



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2307600
Applicant Name: Brittani Ard
Address of Proposal: 4441 44TH Avenue S. W.

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into three (3) unit lots (unit subdivision). This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses has been approved under project #2303336.

The following approval is required:

Short Subdivision - to divide one existing parcel into three unit lots (unit subdivision).
(Seattle Municipal Code Chapter 23.24)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition
or another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

Zoning: Lowrise 2 (L-2)

Date of Site Visit: February 6, 2004

Uses on Site: Single Family Residence

Substantive Site Characteristics: The site is located on the west side of 44th Avenue SW approximately 163 feet from the intersection of 44th Avenue SW and SW Oregon Street. Pedestrian access is available from 44th Avenue SW to the second floor of the existing residence. The topography of the site drops eight feet to a lower level towards the rear of the lot, which slopes gradually, abutting the alley to the west. Single family zoning and development abuts the L-2 zone across the alley to the west. Development in the immediate vicinity is predominantly a mixture of single family and large multifamily structures, with some office and commercial uses to the south. There is a 13-foot wide paved alley abutting the site rear property line to the west.

Public Comment:

Notice of the proposed project was published on December 11, 2003. The public comment period ended on December 24, 2003. One comment letter was received. The respondent comments focused on the density of the site, limiting the height of the proposed townhouses to two stories, and the rapid decrease of single family homes in the area.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following applicable facts and conditions are found to exist.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees.*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single family housing, and*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Departments (SFD), Seattle City Light, and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. Detailed discussion of Criterion # 7 follows below.

The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is not located in an environmentally critical area; therefore SMC 25.09.240 is not applicable. There is one small existing tree on site. However, the related construction plans under project #2303336 provided a proposed landscape plan, which includes specific location and description of trees and shrubs. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

ANALYSIS –UNIT LOT SUBDIVISION (CRITERION #7)

Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

- A. *The unit subdivision provisions of SMC Section 23.24.045 apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*
- B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*
- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as*

recorded with the Director of the King County Department of Records and Elections.

- E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Department of Records and Elections.*
- F. The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Summary - Unit Lot Subdivision

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC 23.24.045 subject to the conditions imposed at the end of this decision. The proposed developments are townhouses. The structures, as reviewed under their separate building permits, conform to the development standards of the time the permit application was vested. To assure that future owners have constructive notice that additional development may be limited; the applicant will be required to add a note to the face of the plat that reads as follows: Include the following on the face of the plat: "The lots created by unit subdivision are not separate building lots. Additional development on any individual lot in this unit subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code." A joint use and maintenance agreement will be required as conditioned at the end of this decision. Parking for Unit B will be provided in a parking garage within the unit. Unit A and Unit C will have an established surface parking space provided within the rear setback with direct access from the alley. In order to comply with Land Use Code requirements, the proposed parking garage within Unit C must be converted into a living space and the garage doors should be changed. Private usable open space will be provided on each lot.

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **CONDITIONALLY GRANTED.**

CONDITIONS – UNIT LOT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Provide on the plat a joint use and maintenance agreement.
2. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat "For conditions of approval after recording see page ____ of ____."

3. Provide on the plat the required Seattle City Light Easement.
4. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.
5. Include the following on the face of the plat: "The lots created by unit subdivision are not separate building lots. Additional development on any individual lot in this unit subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code."
6. Post an address sign to benefit all units at a location visible from 44th Avenue SW and provide an easement, covenant, or other legal agreement to ensure that the address signage is maintained.
7. Submit the recording fee and final recording forms for approval.

Prior to Issuance of any Building Permit

The owner(s) and/or responsible party(s) shall:

1. Attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Non-Appealable Zoning Requirements:

Prior to finalizing of any building permit for a principal structure on Parcel A

2. A legal parking space shall be installed on Parcel C.
3. The garage doors on Unit C should be change and garage converted into living space.
4. Remove existing curb cut on Parcel A and restore the sidewalk and planting strip.

Signature: _____ (signature on file) Date: April 1, 2004
Christopher A. Ndifon, Land Use Planner
Department of Planning and Development
Land Use Services

CAN:bg

Ndifon/doc/unit subdivision/2307600a.doc